

Message Text

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C O N F I D E N T I A L GENEVA 0980

E.O. 11652: GDS

TAGS: CSCE, PFOR, XG

SUBJECT: CSCE POLICY: SWISS PEACEFUL SETTLEMENT OF DISPUTES PROPOSAL

REF: GENEVA 7208

1. SWISS HAVE INFORMALLY CIRCULATED FOLLOWING TEXT FOR
KEEPING ALIVE THEIR PEACEFUL SETTLEMENT OF DISPUTES PROPOSAL
BY EITHER PURSUING THE MATTER WITHIN THE FREMEWORK OF A CSCE
FOLLOWUP (PARA B OF TEXT) OR FAILING THAT, CONVENING A MEETING
OF EXPERTS ENTIRELY OUTSIDE THE CONFERENCE FRAMEWORK AT AN UN-
SPECIFIED "APPROPRIATE" TIME (PARA C OF TEXT): BEGIN QUOTE.

A. SOLEMNLY REAFFIRM THEIR DETERMINATION TO SETTLE
THEIR DISPUTES EXCLUSIVELY BY PEACEFUL MEANS
AND TO SEEK A RAPID AND EQUITABLE SOLUTION IN
CONFORMITY WITH INTERNATIONAL LAW AND ACCORDING
TO THE PROCEDURES IT PRESCRIBES IN THE FIRST
INSTANCE BY NEGOTIATIONS, AND IF THESE LEAD TO
NO RESULT, TO SEEK SUCH SOLUTIONS IN PARTICULAR
THROUGH INQUIRY, MEDIATION, CONCILIATION AND
ARBITRATION;

B. WILL PURSUE (WITHIN THE FRAMEWORK OF CONFER-
ENCE FOLLOW-UP) THE STUDY AND ELABORATION OF
A NEW AND GENERALLY ACCEPTABLE SYSTEM OF
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PEACEFUL SETTLEMENT OF DISPUTES, TAKING AS
A BASIS THE PROPOSAL PRESENTED BY SWITZERLAND

DURING THE SECOND PHASE OF THE CONFERENCE, AS WELL AS OTHER IDEAS WHICH MAY BE PUT FORWARD LATER. IN PARTICULAR, THE MODALITIES OF THE CHOICE AND APPLICATION OF PEACEFUL MEANS, AS WELL AS THOSE OF SHIFTING FROM ONE MEANS TO ANOTHER, WILL BE EXAMINED DURING THE COURSE OF THIS ELABORATION.

C. (DECIDE THAT THE SWISS GOVERNMENT WILL CONVENE AT THE APPROPRIATE TIME A MEETING OF EXPERTS FROM ALL THE PARTICIPATING STATES TO CARRY OUT THE MANDATE DESCRIBED ABOVE. THIS MEETING WILL TAKE PLACE UNDER THE SAME RULES OF PROCEDURE AND FINANCIAL ARRANGEMENTS AS THE CONFERENCE ON SECURITY AND COOPERATION IN EUROPE. THE MEETING WILL MAKE PROPOSALS TO THE GOVERNMENTS OF THE PARTICIPATING STATES.)
END QUOTE.

2. SWISS ARE AWAITING COMMENTS FROM GOVERNMENTS ON ABOVE PROPOSAL BEFORE TABLING TEXT. ALLIES STRONGLY SUSPECT THIS PLAN REFLECTS DISCUSSION WITH SOVIETS; BUT SWISS EMPHATICALLY DENY ANY EXPOSURE OF THIS PLAN TO SOVIETS. FOLLOWING POINTS IN TEXT PRESENT PROBLEMS TO ALLIES AND TO US: (1) ELABORATION OF A "NEW" SYSTEM IMPACTS NEGATIVELY ON ICJ WHICH WE ARE COMMITTED TO SUPPORT AND STRENGTHEN; AND (2) "AS WELL AS OTHER IDEAS WHICH MAY BE PUT FORWARD LATER" ALLOWS FOR SOVIET INITIATIVE ON COMPULSORY POLITICAL CONSULTATIONS.

3. US DEL WILL MENTION THESE POINTS TO SWISS IN LOW KEY IN NEAR FUTURE AND WOULD WELCOME ANY ADDITIONAL COMMENTS DEPARTMENT MAY HAVE.

4. COMMENT: LANGUAGE IN PARA B OF SWISS TEXT, "TAKING AS A BASIS THE PROPOSAL PRESENTED BY SWITZERLAND ... AS WELL AS ANY OTHER IDEAS "SUGGESTS THAT SWISS NOT YET READY ABANDON COMPULSORY JURISDICTION ASPECT THEIR PROPOSAL BUT RECOGNIZE THAT THEY MAY ULTIMATELY BE OBLIGED
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